

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

IN RE:

CRAPP FARMS PARTNERSHIP,

Debtor.

Case No. 17-11601
Chapter 11

**COMMODITY CREDIT CORPORATION'S OBJECTION TO
DEBTOR'S MOTION FOR INTERIM AND FINAL ORDERS (A) AUTHORIZING
USE OF CASH COLLATERAL AND (B) GRANTING ADEQUATE PROTECTION**

The United States of America, acting through the Commodity Credit Corporation ("CCC"), by Jeffrey M. Anderson, Acting United States Attorney for the Western District of Wisconsin, and Richard D. Humphrey, Assistant United States Attorney, hereby objects to the Debtor's motion for interim and final orders, filed May 5, 2017. Grounds for this objection are as follows:

1. On March 15, 2017, CCC made a loan to Crapp Farms Partnership (the "Debtor") in the original principal amount of \$3,173,709.55.
2. Said loan is secured by a priority lien in the Debtor's 2016 corn crop yields (1,706,339 bushels) pursuant to, among other documents, a Farm Storage Note and Security Agreement (the "Note").
3. As part of the terms and conditions of the Note, the Debtor agreed that it would not move any collateral from the location stated in the Note without the prior approval of CCC.

4. In the Debtor's motion, the Debtor seeks to use 90,000 bushels of corn as cattle feed without making any adequate protection payment to CCC. The Debtor likewise fails to acknowledge that CCC even holds a security interest in the corn to be fed.

5. In its motion, the Debtor seeks to pay adequate protection to BMO Harris, N.A. ("BMO"), at least in part due to the Debtor's use of harvested corn collateral. However, BMO has subordinated its lien in Debtor's 2016 corn crop to CCC, therefore, any adequate protection paid as a result of the Debtor's use of CCC's collateral should be paid to CCC.

WHEREFORE the United States of America objects to the Debtor's motion for interim and final orders and requests payment of adequate protection for the use of its collateral.

Dated this 12th day of May, 2017.

Respectfully submitted,

JEFFREY M. ANDERSON
Acting United States Attorney

By:

s/ Richard D. Humphrey
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